HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.6726 of 2019

ORDER:

This writ petition is filed seeking the following relief :-

> "…. to issue writ order or direction more particularly one in the nature of writ of Mandamus declaring the action of the respondents in not considering the claim of the petitioner for appointment to the post of Lab Technician though she is fully qualified and eligible, as illegal, arbitrary, unreasonable, discriminatory and contrary to Art.14 of the Constitution of India and consequently direct the respondents to consider and appoint petitioner as Lab Technician in the existing vacancies with all consequential benefits duly considering the application of the petitioner dated 20.03.2019…."

Heard Mr.D.Ramakrishna, learned counsel for petitioner and the learned Government Pleader for Services-II.

It has been contended by the petitioner that she is working as Medical Officer Assistant on contract basis since 2009 onwards. She has acquired the qualification of Lab Technician and made a representation to the respondents on 20.03.2019 requesting to consider her case for appointment to the post of Lab Technician on contract basis.

Learned counsel for petitioner contended that appropriate orders be passed in the writ petition directing the respondents to consider and dispose of the representation submitted by the petitioner on 20.03.2019.

Learned Government Pleader appearing for respondents has contended that no Notification was issued for filling up the post of Lab Technician and in the absence of the same, the representation of the petitioner cannot be considered.

This Court, having considered the rival submissions, is of the considered view that the petitioner has no right to seek appointment for the post of Lab Technician on contract basis, in the absence of recruitment Notification issued by the respondents. If the argument of the petitioner is to be accepted, every qualified candidate will submit application seeking appointment as per his/her qualification. If the petitioner has acquired qualification, she has to wait till the respondents issue recruitment Notification to fill up the post of Lab Technician. Therefore, the petitioner cannot seek consideration of her case alone when other candidates are waiting in the queue. Hence, there are no merits in the writ petition and the same is liable to be dismissed.

Accordingly, the writ petition is dismissed. No order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

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ABHINAND KUMAR SHAVILI, J

Date: 29-03-2019
Prv

HIGH COURT FOR THE STATE OF TELANGANA
HYDERABAD